

House File 2368 - Introduced

HOUSE FILE 2368
BY MASCHER

A BILL FOR

1 An Act relating to dissemination by a young person of material
2 depicting a sex act or nudity and sexual exploitation of a
3 minor.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 728.2A Dissemination by young
2 persons of material depicting a sex act or nudity.

3 1. Any person fourteen through eighteen years of age who
4 knowingly disseminates to another person fourteen through
5 eighteen years of age material depicting either or both
6 persons, one of whom is a minor, engaged in a sex act or in a
7 state of full or partial nudity, as defined in section 709.21,
8 commits a simple misdemeanor.

9 2. A person convicted under this section shall not be
10 required to register as a sex offender under chapter 692A.

11 Sec. 2. Section 728.12, Code 2009, is amended by adding the
12 following new subsection:

13 NEW SUBSECTION. 5. A violation of this section does not
14 apply to a person fourteen through eighteen years of age if all
15 of the following circumstances apply:

16 a. The material was disseminated to a person fourteen
17 through eighteen years of age.

18 b. The material depicts the sender, recipient, or both, one
19 of whom is a minor, engaged in a prohibited sex act or in the
20 simulation of a prohibited sex act.

21 c. The material was knowingly created with the consent of
22 the persons depicted.

23 d. The sender of the material knows or reasonably believes
24 the material would not be offensive to the recipient of the
25 material.

26 e. The person does not further disseminate or exhibit the
27 material if the material depicts another person.

28 EXPLANATION

29 This bill relates to dissemination by a young person of
30 material depicting a sex act or nudity and sexual exploitation
31 of a minor.

32 The bill grants discretion to a prosecutor to charge a person
33 14 through 18 years of age with a simple misdemeanor under
34 new Code section 708.2A, for disseminating to another person
35 14 through 18 years of age material depicting either or both

1 persons, one of whom is a minor, engaged in a sex act or in
2 a state of full or partial nudity. A person convicted under
3 new Code section 708.2A is not required to register as a sex
4 offender and is not subject to a special sentence.

5 Under current law, it is a serious misdemeanor to knowingly
6 disseminate obscene material to a minor, and such a conviction
7 requires the person to register as a sex offender.

8 A sex act is defined in Code section 728.1 to mean any
9 sexual contact, actual or simulated, either natural or deviant,
10 between two or more persons, or between a person and an animal,
11 by penetration of the penis into the vagina or anus, or by
12 contact between the mouth or tongue and genitalia or anus, or
13 by contact between a finger of one person and the genitalia
14 of another person or by use of artificial sexual organs or
15 substitutes therefore in contact with the genitalia or anus.

16 Full or partial nudity is defined to mean the showing of any
17 part of the human genitals or pubic area or buttocks, or any
18 part of the nipple of the breast of a female, with less than
19 fully opaque covering.

20 Under the bill a person 14 through 18 years of age is not
21 guilty of sexual exploitation of a minor pursuant to Code
22 section 728.12 if all the following circumstances apply: the
23 material was disseminated to a person 14 through 18 years of
24 age; the material depicts the sender, recipient, or both, one
25 of whom is a minor, engaged in a prohibited sex act or in the
26 simulation of a prohibited sex act; the material was knowingly
27 created with the consent of the persons depicted; the sender of
28 the material knows or reasonably believes the material would
29 not be offensive to the recipient of the material; and the
30 person does not further disseminate or exhibit the material if
31 the material depicts another person.

32 A person who commits sexual exploitation of a minor commits
33 an aggravated misdemeanor up to a class "C" felony, depending
34 on the facts and circumstances of the particular offense. The
35 person is also required to register as a sex offender under

1 Code chapter 692A and is subject to a special sentence as
2 provided in Code chapter 903B.